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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 10th meeting
Held at Headquarters, New York, on Monday, 23 June 2003, at 10 a.m.

Chairman: Mr. Huntley ..... (Saint Lucia)

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03-40463 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2003/L.11 and A/AC.109/2003/L.13)

Question of Tokelau

2. **The Chairman** said that the he had received a communication from the Permanent Mission of New Zealand to the United Nations asking for the Ulu-o-Tokelau and the Administrator of Tokelau to appear before the Committee. If there was no objection, he would take it the Committee agreed to grant that request, in accordance with standing procedure.

3. *It was so decided.*

4. **Mr. O'Brien** (Ulu-o-Tokelau) thanked the Committee and the Permanent Mission of New Zealand to the United Nations for giving him the opportunity to attend the meeting, and welcomed Mr. Walter, who had recently been appointed Administrator of Tokelau. Referring to the Chairman's recent visit to Tokelau and attendance at a special session of the General Fono, he expressed the hope that the Chairman's next visit and meetings with the Councils of Elders would enable him to assure the people of the Territory that their fate would not be left to chance. At the current stage, the Councils of Elders needed detailed information on the implications of an act of self-determination. He also hoped that the administering Power and the Committee would listen to Tokelau's views with regard to the pace of the process of exercising the right to self-determination.

5. In the past 12 months, the relationship with New Zealand, the administering Power, had been spelled out in the Principles of Partnership; there had been a review of budget support, and Tokelau had been given greater autonomy in drafting a budget for 2003-2004; efforts had been made to better coordinate support from New Zealand; economic development and planning capacity had been strengthened; a trust fund had been established for Tokelau; and regional and international relationships had been enhanced, particularly with Tokelau's nearest neighbour, Samoa.

6. The joint statement of the Principles of Partnership between New Zealand and Tokelau had formally affirmed the principles underpinning the special and unique relationship between the two countries. Those principles provided a firm foundation for the ongoing development of Tokelau. It was particularly noteworthy that the Principles highlighted ongoing economic assistance for Tokelau and recognition of its cultural identity, thereby building Tokelauans' confidence for the future. The review of support for the development of self-government had been completed. It was closely connected with the budget process, a feature of which was the ability of Tokelau to allocate the total amount of resources in accordance with its own priorities. The current priorities were health, education, support for villages, shipping and economic development. The review had been used as the basis for the 2003-2004 budget allocation, which had been set at US$ 8.6 million.

7. Tokelau's second major donor was the United Nations Development Programme (UNDP); discussion had begun on a country programme for Tokelau for 2003-2007 focusing on capacity-building to enhance the efficiency of services and decision-making structures and to prioritize economic development with a view to improving the quality of life of the inhabitants. Approximately US$ 487,000 would be made available to fund 10 projects covering the priority areas of sustainable economic development, good governance and the environment. In the cycle recently completed, UNDP resources had been used to promote good governance and sustainable livelihoods, as part of the Modern House of Tokelau project. Economic development remained a high priority: the new budget provided for a new economic development unit to promote economic activities such as handicrafts, tourism, fisheries and small enterprise development. At the national level, the unit would work to maximize revenue from the sale of stamps and commemorative coins and from fisheries.

8. All fisheries proposals would be considered within the context of a strategic tuna management plan. An inshore and coastal fisheries strategic management plan would also be developed. A planning and monitoring unit would be set up to assist in the proper management and coordination of Government activities. It would handle strategic planning of the

national budget and monitor expenditure. The process for the formal establishment of the Tokelau trust fund was under way, and Tokelau and New Zealand had reached agreement for the structure to be finalized. The documents should be formally signed in November 2003. The current level of the fund was NZ$ 4.1 million. There had been an increase in regional and international cooperation, especially with Tokelau's closest neighbour, Samoa. Samoa's Prime Minister had made an official visit to Tokelau in March 2003, and a Cooperation Arrangement had been signed. The Arrangement would make it possible for the two countries to agree on an annual programme of activities in education, shipping, economic cooperation and so on. In April 2003, the Director-General of the Secretariat of the Pacific Community (SPC) had visited Tokelau. One outcome of that visit was that a senior member of SPC would act as the focal point for Tokelau programme activities, which would focus on community health, youth, women, fisheries and cultural development. In 2003, Tokelau would be chairing the annual session of the Committee of Representatives of Governments and Administrations.

9. SPC and the Forum Fisheries Agency were helping Tokelau to develop a strategic tuna management plan. Consultants from SPC were working with Tokelau's legal advisers to draft a quarantine law aimed at preserving biodiversity. Tokelau would shortly be signing on behalf of New Zealand an agreement with France marking the maritime boundaries between Tokelau and the Wallis and Futuna Islands. In autumn 2003, Tokelau would attend the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the first time, providing it with its first opportunity to present formal funding requests under the Participation Programme. A project to give Tokelau cheaper Internet access was being drafted; it would help resolve the problem of the shortage of teachers and lack of subject specialization.

10. Village consultations on constitutional development were currently being conducted. Their main aim was to help the Council of Faipule to set an agenda for the forthcoming constitutional conference, which would discuss such issues as options for self-determination and governance arrangements in village and national institutions. The conference would be preceded by consultations with the Councils of Elders and all major non-governmental organizations. He wished to extend an invitation to the Chairman of the Committee to attend that important event. Tokelau welcomed the recommendation of the United Nations visiting mission to disseminate widely information on the options for self-determination and their practical implications. The UNDP office in Apia had offered to provide funding to assist with that task. The devolution of authority and functions to villages and traditional institutions was the key to the future of Tokelau. Information on that subject would be provided in 2004.

11. **Mr. Walter** (Administrator of Tokelau) said that in the past year, Tokelau had made significant advances in its political evolution and in the pursuit of its national and regional interests. On the political front, the General Fono had taken charge of Tokelau's budget and decided on its key developmental objectives and priorities for the 2003-2004 financial year. Agreement had been reached with New Zealand on the Principles of Partnership in which New Zealand undertook to continue providing Tokelau with economic and technical support. A constitutional conference would be held to discuss the future direction of Tokelau's political development. A target date of June 2004 had been set for the devolution of authority over public services in each atoll to the village council, a major objective of the Modern House of Tokelau concept.

12. In addition to the previous year's visit by representatives of the Committee and UNDP, Tokelau had hosted visits by the Prime Minister of Samoa and the Director-General of the Pacific Community. It had taken part in a range of regional meetings. It would shortly sign an agreement with the Government of France on delimitation of the border between Tokelau and the Wallis and Futuna Islands. There were regular meetings with representatives of the New Zealand Government, and Tokelau was strengthening its links with other countries in the region. At Tokelau's request, the New Zealand Government had increased its level of economic support for the following year. Particular attention would be paid to the priority areas of education and health services, as well as transportation and economic development. A comprehensive review of the Tokelau public service was being undertaken to ensure that it was equipped to meet the future needs of the three Councils of Elders and the General Fono. The information programme on the self-determination options would be continued. The New Zealand Government welcomed the continued

interest shown by the United Nations in general, and the Committee in particular, in Tokelau's situation.

13. **The Chairman**, responding to a comment by one of the previous speakers, said that he was planning another visit to Tokelau to give new impetus to the process of constitutional development, which seemed to him to be slowing down.

14. **Mr. Ovia** (Papua New Guinea) said he hoped that the positive developments of relations between Tokelau and New Zealand would continue, and welcomed the forthcoming signature by Tokelau on behalf of New Zealand of a maritime boundary delimitation agreement with France. Closer relations between Tokelau and Samoa were a vital step towards an act of self-determination.

15. **Mr. Lewis** (Antigua and Barbuda) welcomed the presence at the meeting of representatives of Tokelau, since even with situation reports, the Committee sometimes found it difficult to grasp the peculiarities of a particular Territory. He asked for more information about the cultural identity of the people of Tokelau. He also asked about secondary education in Tokelau, and for an explanation of the objectives of the Modern House of Tokelau.

16. Referring to the current level of the Tokelau trust fund of NZ$ 4.1 million, he asked for information on the exchange rate of the New Zealand dollar against the United States dollar. He wondered whether representatives of Tokelau were included in the New Zealand delegation at Commonwealth Heads of Government meetings. He applauded the help which New Zealand had given Tokelau in the maritime boundary negotiations with France, and more generally in consistently defending Tokelau's interests.

17. **Mr. Aukuso** (Adviser to the Ulu-o-Tokelau), responding to the questions about Tokelau's cultural identity, said that language was extremely important to preserving that identity. Efforts were being made to use the Tokelauan language as a medium of instruction and as a working language in Government institutions. Because of Tokelau's geographical situation, every village retained autonomy and each of the three Councils of Elders had its own working methods, but the inhabitants were being encouraged to think of themselves as belonging to a unified nation. Cultural identity was also expressed through songs and dances, and expatriates saw the atolls as a repository of centuries-old cultural traditions. Tokelau had a five-year education system; pupils travelled to Samoa or New Zealand for secondary education. The University of the South Pacific provided access to higher education. There had been a recent expansion in Internet distance learning. The purpose of the Modern House of Tokelau project was to prepare Tokelau to meet the challenges of the twenty-first century.

18. Negotiations with France regarding the delimitation of maritime boundaries had taken place in close cooperation with the administering Power. The following week, he would be accompanying the Ambassador of France to Wellington and the South Pacific region for the signing of the maritime boundary agreement.

19. **Mr. Walter** (Administrator of Tokelau) said that the purpose of the Principles of Partnership was to clarify the nature of relations between Tokelau and New Zealand. It provided for high-level consultations, acknowledged the importance of the aim of self-determination and recognized the significance of preserving the language and culture of Tokelau. In addition, New Zealand committed itself to providing Tokelau with ongoing economic, technical and specialized assistance, and to coordinating such assistance in order to make it more effective. New Zealand also undertook to safeguard Tokelau's security, represent it in international forums and, following full consultations with Tokelau, assume international obligations on its behalf. Budgetary support for 2003-2004 was NZ$ 8.6 million, excluding contributions to the Tokelau trust fund.

20. **Mr. Stanislaus** (Grenada) said that the partnership-based political and constitutional relations between Tokelau and New Zealand were worthy of emulation. The cultural identity of the people of Tokelau must be preserved; as the legend of Suma illustrated, those who lost their culture ultimately lost their lives.

21. **Mr. Tanoh Boutchoué** (Côte d'Ivoire) said he wished to join other delegations in welcoming the new Ulu-o-Tokelau and the new Administrator, Mr. Walter. His delegation had originally been concerned about the changes in leadership so soon before the detailed consideration of the question of Tokelau, but there had clearly been no break in administrative functions. He was pleased that political and administrative reform of the local authorities was under way, and particularly that there was a timetable for the devolution of

authority over public services to the village level, by 30 June 2004.

22. The offer of assistance from the regional office of UNDP to raise the awareness of the Territory's population of the three options for self-determination was also encouraging. His delegation had always believed that Tokelau was a special case because of its size and specific characteristics, and that the pace of work should be dictated by the population's level of awareness, while retaining the overall goal of achieving self-determination.

23. Noting the close links between Tokelau and Samoa, he said that all outside assistance, particularly in the areas of awareness-raising and vocational training, should be welcomed. He asked what the essence of the Principles of Partnership was, since it was being unintentionally associated with the United Kingdom's white paper dealing with relations with its Overseas Territories. He thanked the Administrator for promising to circulate a paper setting forth the basic provisions of the Principles of Partnership at the end of the meeting.

24. **Mr. Ortiz Gandarillas** (Bolivia) said that Tokelau was very important to the members of the Committee, whose commitment to it had increased even further after their visiting mission. Such missions provided an opportunity to establish direct contact with the peoples of the Non-Self-Governing Territories and find out their needs, expectations and concerns. The past year had brought progress in political matters, constitutional development, budgetary and financial questions and the public service. He was particularly interested in the constitutional conference scheduled for autumn 2003. He wondered how the Ulu-o-Tokelau, Mr. Walter and Mr. Aukuso intended to provide the people of Tokelau with the information they needed to better understand the implications of the three options for self-determination. Tokelau had achieved a great deal in international relations, as demonstrated by the visit of the Prime Minister of Samoa, Tokelau's forthcoming participation in the work of UNESCO and its involvement in other international bodies. He asked for additional information on the signing of the agreement on maritime boundaries and for an explanation of what was meant by Tokelau signing that agreement on behalf of New Zealand.

25. Tokelau had made progress thanks to the efforts of the Government of New Zealand, which had strengthened its relations with the Territory and eased its path to self-determination. In view of the progress achieved, it could be said that Tokelau and New Zealand were on the right path, and their relations could serve as a good example of relations between an administering Power and a Non-Self-Governing Territory. In conclusion, he asked for information on immigration to Tokelau. He understood that the Territory's current population was 1,500, with 6,500 expatriates living in New Zealand. He wondered what the current trend was in that regard.

26. **Mr. Walter** (Administrator of Tokelau) said that a programme was under way in Tokelau to provide information on the options for self-determination. The visiting missions of the Committee played an important role in that regard; New Zealand was currently preparing a package of information on the issue, which would be sent to Tokelau before the constitutional conference was convened. With regard to immigration, the number of Tokelauan expatriates living in New Zealand was almost four times higher than the population of the Territory itself. The trends of recent years provided grounds for optimism: many Tokelauan expatriates who had been educated in New Zealand wanted to return to Tokelau and contribute to its development.

27. Tokelau must enjoy full sovereignty over its exclusive economic zone. New Zealand was helping to ensure that Tokelau played an active part in managing its own affairs at the regional and international levels. It had carefully overseen the conclusion of the delimitation agreement with France to prevent any restriction of Tokelau's rights and had sent an experienced expert in international law and member of the International Law Commission to help Tokelau to draw up the agreement.

28. **Mr. Aukuso** (Adviser to the Ulu-o-Tokelau) said that Tokelau's involvement in a number of regional and international forums was important and gave it an opportunity to resolve issues at those levels.

29. **Mr. Cousiño** (Chile), noting New Zealand's positive attitude towards the issue of self-determination, said that other administering Powers should act in the same way. He pointed particularly to New Zealand's interest in moving forward the process of self-determination and its collaboration with the Committee, and also its encouragement to the population of Tokelau to take part in that process.

30. **Mr. Tanoh Boutchoué** (Côte d'Ivoire) asked whether residents of Tokelau and expatriate Tokelauans in New Zealand who had received New Zealand citizenship were considered to hold dual nationality and whether they would have the right to vote and participate in opinion polls in the Territory.

31. **Mr. Walter** (Administrator of Tokelau) said that New Zealand allowed dual nationality. If New Zealand Trust Territories opted for full independence, they would have separate citizenship.

32. **The Chairman** asked whether the agreement with Samoa provided for development of fisheries.

33. **Mr. Aukuso** (Adviser to the Ulu-o-Tokelau) said that fisheries were one of the chief concerns of the agreement. Currently the leaders of Tokelau were examining the proposals made by Samoan fishery companies. Tokelau expected close cooperation with Samoa in the future and wished to pursue a dialogue with its Government on protecting and managing various resources.

Question of Pitcairn

34. *At the invitation of the Chairman, Mr. Young took a place at the Committee table.*

35. **Mr. Young** (Pitcairn) said that the people of Pitcairn were concerned about the continuing legal trials involving inhabitants of the island. The community knew that it was under threat and that it had to find a way to survive, and had asked the administering Power to help it and to work with it as an active partner.

36. The positive results of the Caribbean Regional Seminar had given the people of Pitcairn the confidence to continue working towards a dialogue with the administering Power. They wished to choose their own future but that was an extremely complex undertaking which could not be achieved without infrastructural, economic and social development and without the active cooperation of the administering Power.

37. The first challenge was to repair and strengthen the relationship between the Pitcairn community, local government and the administering Power. The United Kingdom should consult the local government more widely and encourage it to participate in all stages of the planning and implementation of change. The Island Council had a good working relationship with the administering Power. However, the newly established Pitcairn Island Logistics Team was not helping improve the relationship with the administering Power. Its functions were independent from, and sometimes parallel to, those of the Pitcairn Island Administration Office, which undermined the authority of the Administration Office and diluted the traditional role of the local authorities. The role, functions and control of the Administration Office needed to be precisely defined.

38. The Pitcairn Investment Fund was running out, and would be insolvent within two years. Pitcairn was in economic crisis, and would not be able to plan future development effectively without outside help. If dialogue was to be successful, trust must be restored. Consultation and communication were essential. At the same time, the role of the governing bodies should be clearly defined and explained to the community. Education and training must be improved. The people of Pitcairn were not fully aware of the opportunities or significance of the various options for their political future. The administering Power must actively disseminate information about self-determination and help the inhabitants to examine the various self-determination options.

39. **The Chairman** asked why the Pitcairn Investment Fund was running out, and also who was the representative of the administering Power.

40. **Mr. Young** (Pitcairn) said that in recent years expenditure on transporting goods and individuals had risen while postage stamp and Internet revenue had fallen. That had caused a deficit which was being covered by the Fund. The representative in Pitcairn of the administering Power was a British national.

41. **Mr. Ovia** (Papua New Guinea) asked the petitioner in which capacity he was appearing before the Committee — an inhabitant of Pitcairn or a New Zealander. The question of Pitcairn was complex, and he hoped that its inhabitants would be able to exercise their right to self-determination during the current decade.

42. **Mr. Young** (Pitcairn) said that the Pitcairn Island Logistics Team had arranged monthly flights to the island of Mangareva, 320 miles to the west of Pitcairn. From Mangareva it was possible to fly to Tahiti (four to five hours away), from which onward flights could be taken on Pacific airlines. It should be borne in mind, however, that the trip was quite expensive — a ticket

cost $5,000 to $6,000 — and that was beyond the means of most of the inhabitants of the Territory.

43. Regarding the question of whether he should be considered to be from Pitcairn or from New Zealand, he said that he had been born and spent his childhood in Pitcairn and had then lived in New Zealand for many years. He had returned to Pitcairn in 1995 and then in October 2002, when the current governor had visited Pitcairn. He had attended all of the governor's meetings and recorded his speeches. He had gained the impression that although the governor had fairly concrete plans for the community in Pitcairn, he would not reveal them unless asked direct questions. He emphasized once again that the United Kingdom must adopt a more precise and constructive position on the matter.

44. With regard to the trials, it should be borne in mind that they were being conducted under a hybrid arrangement; in some cases, depositions were being taken in New Zealand, where an act had been adopted to establish that the courtroom and other court premises were to be considered Pitcairn territory, and that all New Zealand citizens involved in the trial must swear an oath committing them to adhere to Pitcairn law. Recent efforts had also been made to use video links to establish a hybrid form of trial in which the lawyer for the defence would be in Pitcairn and the judge and prosecutor in Auckland, but the idea had failed, for technical reasons. The prosecutor was insisting that the trials should take place in Pitcairn and was refusing to protect the interests of islanders who were not in Pitcairn, even though that meant that he had to travel the route to Pitcairn already described, via Tahiti and Mangareva, every time there were new charges to be made.

45. **Mr. Tanoh Boutchoué** (Côte d'Ivoire) welcomed the representative of the mayor of Pitcairn and said that at the current meeting the Committee was considering the situation in two Territories which were unusual in terms of their geographical location and size. In the case of Tokelau, the Committee was witnessing close cooperation between the Territory's population and the administering Power, while in Pitcairn, according to the information from the petitioner, considerable effort would be needed to reach mutual understanding between the inhabitants, their administration and the administering Power. The petitioner had also described an apparently paradoxical legal situation which had brought to a halt the work of all the mechanisms and had in effect completely paralysed the life of the community. Because of the uniquely complicated situation of Pitcairn, he asked the Chairman to convene an informal meeting of the Committee with the participation of the administering Power so that the latter could give an oral explanation of the legal situation, how it had arisen and how it would be resolved. Although the representative of the administering Power had circulated a paper at the seminar in Anguilla which dealt with that issue, one which the petitioner had said was vital to the population, an atmosphere of mistrust had arisen between the parties involved. The Committee would not be able to move forward until the matter was resolved. In addition, the petitioner had explained that the inhabitants of Pitcairn had only become aware of the existence of the Committee and the self-determination options in 2000; that meant that a great deal of work lay ahead.

46. **The Chairman** asked whether it was true that the situation in Pitcairn was deteriorating because a number of its inhabitants were under investigation.

47. **Mr. Young** (Pitcairn) said that was indeed true. The Committee should also take into account that the precise number of charges was being kept secret and that court suppression orders were in place to prevent disclosure of the details of the trials, in the interests of protecting the victims and above all to avoid attracting undue international press attention. The available information indicated that charges had been laid against six individuals in Pitcairn, two in New Zealand and two in another country which he was not allowed to reveal. The charges therefore currently affected 11 Pitcairn islanders. The population of Pitcairn was 45, and another 300 or so Pitcairn expatriates were living in New Zealand. According to reports, the European Union had halted some projects which had been approved for funding until the trials were completed. That was harming the community. Although the Governor's representative had attempted to resolve the matter, the population had not been kept informed, so that the action taken had been unpopular. Moreover, attempts were now being made to shift blame from individuals to the whole community.

48. *Mr. Young withdrew.*

49. **The Chairman** drew attention to the draft resolution on the question of Tokelau (A/AC.109/2003/L.11).

50. **Mr. Ovia** (Papua New Guinea), introducing the draft resolution, drew attention to a number of revisions proposed by Tokelau. The proposals included rewording the first preambular paragraph, merging and rewording the sixth and seventh preambular paragraphs, rewording paragraph 5 and amending paragraphs 7, 13 and 19. He was proposing those revisions, copies of which had been circulated, on behalf of his own delegation and the delegation of Fiji. He recommended that the draft resolution should be adopted in its entirety.

51. *Draft resolution A/AC.109/2003/L.11, as orally revised, was adopted without a vote.*

52. **The Chairman** drew the attention of the Committee to a draft resolution on the Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, contained in document A/AC.109/2003/L.13. He proposed the following revisions: in draft resolution A, paragraph 8, add "the Territories and" after "Requests"; in draft resolution A, paragraph 12, replace "Calls upon" with "Invites"; in draft resolution B, section I, paragraph 2, replace "to assist the Territory" with "welcomes the assistance from the administering Power to the Territory"; in draft resolution B, section XI, paragraph 1, delete "including assistance in the conduct of a political education programme to heighten the awareness of the people of their options for self-determination"; in draft resolution B, section XI, insert after the second preambular paragraph a new preambular paragraph reading "*Noting* the expressed interest of the territorial Government to be included in the regional programmes of the United Nations Development Programme"; in draft resolution B, section XI, insert after paragraph 2 a new paragraph reading "*Calls for* the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;".

53. *Draft resolution A/AC.109/2003/L.13, as orally revised, was adopted without a vote.*

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/AC.109/2003/L.8)

54. **The Chairman** drew attention to the various working papers prepared by the Secretariat containing references to that item as well as to the draft resolution contained in document A/AC.109/2003/L.8.

55. *Draft resolution A/AC.109/2003/L.8 was adopted without a vote.*

Report of the Special Committee

56. **The Chairman** drew attention to the Committee's draft report, contained in document A/AC.109/2003/L.14, and invited comments on it.

57. **Mr. Rodríguez Parrilla** (Cuba) proposed that in the penultimate line of paragraph 11 of the Spanish-language version of the draft report, "en la región del Caribe" should be changed to "en la región del Pacífico".

58. *The report of the Special Committee was adopted.*

Other matters

59. **The Chairman** reminded the Committee that on 18 June 2003, the text of the section entitled "Future Work" had been circulated. He suggested that the Committee should approve that text and authorize the Rapporteur to include it in the relevant section of Part I of the report of the Committee to the fifty-eighth session of the General Assembly.

60. *It was so decided.*

Draft report to the General Assembly

61. **The Chairman** suggested that the Rapporteur should be authorized to reformulate the Committee's draft resolutions and decisions into the format of the General Assembly and to submit them to it directly.

62. *It was so decided.*

The meeting rose at 1.05 p.m.